UNITED STATES DISTRICT COURT
EASTERN DISTRCT OF NEW YORK
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VERONICA SCHULTZ

Plaintiff,

-against-

THE CITY OF NEW YORK; MICHAEL BLAKE, as Deputy Chief, Counter Terrorism Division, former Commanding Officer, 103rd Precinct; ARMANDO DELEON, as Deputy Inspector, 102nd Precinct, former Executive Officer, 103rd Precinct; JAMES BRIONES, as Sergeant, 103rd Precinct; and CHRISTOPHER LOPEZ, as Police Officer, 103rd Precinct, each being sued individually and in their official capacities as employees of Defendant THE CITY OF NEW YORK

Defendants'
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Second Amended Complaint

Jury Trial Demand

10 cv 2727 (JBW)(RLM)

Sr. Judge Jack B. Weinstein

The Plaintiff VERONICA SCHULTZ by her attorney The Sanders Firm, P.C., as and for her Second Amended Complaint against Defendants' THE CITY OF NEW YORK; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES and CHRISTOPHER LOPEZ, respectfully set forth and allege that:

INTRODUCTION

This is an action for equitable relief and money damages on behalf of the Plaintiff VERONICA SCHULTZ, (hereinafter referred to as "Plaintiff") who was and is being deprived of her statutory rights as an employee as a result of Defendants' THE CITY OF NEW YORK; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES and CHRISTOPER LOPEZ'S race and gender discrimination.

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 18 U.S.C. § 1965, 28 U.S.C. §§ 1331, 1343 and 2202 to secure protection of and to redress deprivation of rights secured by:

a. Title VII of the Civil Rights Act of 1964 (hereinafter referred to as "Title VII") providing for injunctive and other relief against discrimination in employment on the basis of gender;

b. the Civil Rights Act of 1866, 42 U.S.C. § 1981, providing for the protection of all person's right to make and enforce contracts under the color of State Law; and

c. the Civil Rights Act of 1871, 42 U.S.C. § 1983, providing for the protection of all persons in his civil rights and the redress of deprivation of rights under color of law.

2. The unlawful employment practices, violations of Plaintiff's civil rights complained of herein were committed within the Eastern and Southern Districts of New York.

3. The pendent jurisdiction of the federal district court is invoked with respect to the Plaintiff's claims under New York State Executive Law § 296; and New York City Administrative Code § 8-107, pursuant to 28 U.S.C. 1367, because the entire action before the court comprises one constitutional and civil rights case, and the claims arise out of the same common nucleus of facts and are such that the Plaintiff would ordinarily be expected to try them in one judicial proceeding.

PROCEDURAL REQUIREMENTS

4. Plaintiff has filed suit with this Court within the applicable statute of limitations period.

5. Plaintiff is not required to exhaust any administrative procedures prior to suit under the Civil Rights Act of 1866 or the Civil Rights Act of 1871.

6. On or about August 14, 2009, Plaintiff sought assistance from the United States Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC").

7. On or about May 7, 2010, Plaintiff received a Dismissal and Notice of Right to Sue from the United States Department of Justice.

PLAINTIFF

8. Plaintiff VERONICA SCHULTZ is a female citizen of the United States of America and is over twenty-one (21) years of age, a resident of Suffolk County and is an employee of Defendant THE CITY OF NEW YORK (hereinafter referred to as the "CITY") more specifically the Police Department City of New York (hereinafter referred to as the "NYPD"). For the purposes of this litigation, Defendant CITY may be identified interchangeably using CITY or NYPD to identify the employer which is the CITY.

DEFENDANTS'

9. Defendant CITY was and is a municipal corporation organized and existing under and by virtue of the law of the State of New York, and at all relevant times Plaintiff's employer, with its central offices in the county of New York, and diverse other offices and facilities throughout the world.

10. Defendants' MICHAEL BLAKE, as Deputy Chief, Counter Terrorism Division, former Commanding Officer, 103rd Precinct; ARMANDO DELEON, as Deputy Inspector, 102nd Precinct, former Executive Officer, 103rd Precinct; JAMES BRIONES, as Sergeant, 103rd Precinct; and CHRISTOPHER LOPEZ, as Police Officer, 103rd Precinct.

BACKGROUND

11. Plaintiff is an African-American female employee of the NYPD.

12. Plaintiff alleges that Defendant CITY through its agents have a long history of

discriminating against its minority female officers.

13. Plaintiff alleges that Defendant CITY through its agents have a long history of performing flawed and unfair internal investigations whenever minority female officers complain about discrimination in the workplace.

14. Plaintiff alleges that Defendant CITY through its agents engage in such biased behavior because of the decision makers preconceived notions that minority females officers are incredible, immoral, sexually charged, unchaste and worthy of less-protection.

15. Plaintiff alleges that Defendant CITY through its agents engage in such biased behavior because the decision makers tend to validate, fully investigate and sustain charges of discrimination whenever they involve Caucasian female officers because of their preconceived notions that Caucasian female officers are more credible, pure, and deserving of greater protection.

16. Plaintiff alleges that in and around fall 2006, she was assigned to the 103rd Precinct.

17. Plaintiff alleges that in her initial meeting with Defendant MICHAEL BLAKE in his office, he commented "I cannot look at you in the eyes."

18. Plaintiff alleges that Defendant MICHAEL BLAKE was physically attracted to her but, initially did not think anything of it.

19. Plaintiff alleges that shortly thereafter, she found out that Defendant MICHAEL BLAKE was having numerous sexual relationships with subordinate minority female police officers assigned to the 103rd Precinct.

20. Plaintiff alleges that Defendant MICHAEL BLAKE'S sexual conquests with these subordinate minority female police officers were open and obvious to everyone in the 103rd

Precinct.

21. Plaintiff alleges that Defendant MICHAEL BLAKE treated his "women" differently causing conflict between the minority female police officers.

22. Plaintiff alleges that Defendant MICHAEL BLAKE'S behavior caused the minority female police officers to vie for his attention as it was open and obvious to everyone in the 103rd Precinct that "he would take care of his women."

23. Plaintiff alleges that for the "women" that would vie and gain Defendant MICHAEL BLAKE'S interest, he would bestow enhanced job benefits upon them in the form of choice assignments, overtime and the like.

24. Plaintiff alleges that Defendant MICHAEL BLAKE'S management structure within the 103rd Precinct engaged in similar types of behavior.

25. Plaintiff alleges that Defendant MICHAEL BLAKE and supervisors treated minority female officers as mere "chattel" while jockeying for position to satisfy their thirst for the next sexual conquest.

26. Plaintiff alleges that in or about April 2007, she requested to be reassigned as a Youth Officer in the School Unit.

27. Plaintiff alleges that shortly thereafter, Defendant JAMES BRIONES was also assigned to the School Unit.

28. Plaintiff alleges that Defendant JAMES BRIONES became her direct supervisor.

29. Plaintiff alleges that Defendant JAMES BRIONES was directly supervised by Defendant MICHAEL BLAKE.

30. Plaintiff alleges that from the outset of her assignment, Defendants' MICHAEL BLAKE and JAMES BRIONES engaged in a relentless malicious campaign to degrade, demean,

harass, humiliate and terrorize her due to her race and gender.

31. Plaintiff alleges that from the outset of her assignment, Defendants' MICHAEL BLAKE and JAMES BRIONES routinely subjected her to a relentless campaign of sexually harassing her.

32. Plaintiff alleges that on numerous occasions Defendants' MICHAEL BLAKE and JAMES BRIONES relentlessly verbally accosted her inside and outside of NYPD facilities referring to her as "boo," "my boo," "ma," "my girl" and "sexy."

33. Plaintiff alleges that Defendants' MICHAEL BLAKE and JAMES BRIONES relentlessly commented on her looks inside and outside of NYPD facilities telling her that she has "nice teeth," "kissable lips," and that she has "nice ass."

34. Plaintiff alleges that Defendants' MICHAEL BLAKE and JAMES BRIONES openly engaged in such behavior in front of other supervisors and subordinates.

35. Plaintiff alleges that Defendants' MICHAEL BLAKE and JAMES BRIONES engaged in such behavior because of their preconceived notions that minority females officers are incredible, immoral, sexually charged, unchaste and worthy of less-protection.

36. Plaintiff alleges that Defendants' MICHAEL BLAKE and JAMES BRIONES would never engage in such behavior with a Caucasian female officer because they are fully aware that Defendant CITY through its NYPD Internal Affairs Bureau and Office of Equal Employment Opportunity would severely discipline them because of the decision makers preconceived notions that Caucasian female officers are more credible, pure, and deserving of greater protection.

37. Plaintiff alleges that Defendant JAMES BRIONES would accost the minor female minority members of the Youth Program, for example asking N.F. to "sit on my lap."

38. Plaintiff alleges that Defendant JAMES BRIONES would call M.B. a "knockout with voluptuous breast."

39. Plaintiff alleges that Defendant JAMES BRIONES would not allow minor male minority members of the Youth Program in the office to work with him.

40. Plaintiff alleges that Defendant JAMES BRIONES would welcome and invite certain minor female minority members of the Youth Program to work alone with him in the office.

41. Plaintiff alleges that on numerous occasions, Defendant JAMES BRIONES would take M.B. home unescorted in his personal vehicle to her home.

42. Plaintiff alleges that the minor minority members of the Youth Program would complain about Defendant JAMES BRIONES'S conduct.

43. Plaintiff alleges she informed Defendant MICHAEL BLAKE of these allegations but, he took no action instead suggesting that certain girls are "wild" meaning "unchaste."

44. Plaintiff alleges that Defendant JAMES BRIONES engaged in such behavior with these minority members of the Youth Program because of his preconceived notions that minority females are incredible, immoral, sexually charged, unchaste and worthy of less-protection.

45. Plaintiff alleges that Defendant MICHAEL BLAKE failed to take appropriate action against Defendant JAMES BRIONES because of his preconceived notions that minority females are incredible, immoral, sexually charged, unchaste and worthy of less-protection.

46. Plaintiff alleges that after each of the Annual Queens South Community Affairs Talent Shows, Defendant MICHAEL BLAKE would hug and kiss each of the minority female police officers.

47. Plaintiff alleges that Defendant MICHAEL BLAKE would comment on how she

is pretty.

48. Plaintiff alleges that Defendant MICHAEL BLAKE would attend these impromptu parties attended by minority police officers of the 103rd Precinct, seek her out and almost always immediately grab her from behind with a drink in his hand grinding his penis onto her buttocks.

49. Plaintiff alleges that in or around May, 2007, she participated in the Annual Queens South Community Affairs Talent Show.

50. Plaintiff alleges that while participating in a dance routine, she experienced a wardrobe malfunction causing her underwear to be exposed.

51. Plaintiff alleges that sometime in 2008, she attended an awards event honoring the NYPD Explorers at the El Caribe Country Club Caterers 5945 Strickland Avenue, Brooklyn, NY.

52. Plaintiff alleges that while posing for a picture, a visibly intoxicated Defendant MICHAEL BLAKE walked up behind her and slowly rubbed the back of her neck.

53. Plaintiff alleges that she was shocked by his conduct.

54. Plaintiff alleges that in or around February 2008, Defendant JAMES BRIONES would constantly greet her as she reported for duty suggesting "What's up? Where's my hug and kiss? I want to be greeted with a hug and kiss!"

55. Plaintiff alleges that Defendant JAMES BRIONES openly engaged in such conduct in front of other supervisors and subordinates.

56. Plaintiff alleges that in or around February 2008, Defendant JAMES BRIONES observed her wearing fashionable form fitting jeans with a zipper stitched in the back.

57. Plaintiff alleges that Defendant JAMES BRIONES commented "I sure would like

to be that zipper right now!"

58. Plaintiff alleges that Defendant JAMES BRIONES made this comment in front of other supervisors and subordinates.

59. Plaintiff alleges that on or about February 28, 2008, Defendant JAMES BRIONES presented her with a birthday cake.

60. Plaintiff alleges that she declined his present.

61. Plaintiff alleges that Defendant JAMES BRIONES then asked her out on a date, she declined.

62. Plaintiff alleges that Defendant JAMES BRIONES then asked her age.

63. Plaintiff alleges that she responded with annoyance "thirty-two!"

64. Plaintiff alleges that Defendant JAMES BRIONES responded "I do not believe you."

65. Plaintiff alleges that Defendant JAMES BRIONES on numerous occasions from in or around February 2008 through March 2008, after seeing a photograph of her inside of a frame on her desk asked "Can I have that picture of you? You look hot!"

66. Plaintiff alleges that she declined his request.

67. Plaintiff alleges that shortly thereafter, the photograph was removed from her desk without her permission.

68. Plaintiff alleges that her consistent rejection of Defendant JAMES BRIONES'S sexual advances began to make him even more aggressive against her.

69. Plaintiff alleges that on or about March 6, 2008, Defendant JAMES BRIONES caused her to receive a Command Discipline for "allegedly using a Department vehicle without permission."

70. Plaintiff alleges that the Command Discipline was without proper basis because the Department vehicle in question was used by staff assigned to the School Unit to transport youths participating in the program as well as other appropriate police uses.

71. Plaintiff alleges that this was the beginning of a series of retaliatory actions engaged in by Defendant JAMES BRIONES and/or his agents because she rejected his constant sexual advances.

72. Plaintiff alleges that on or about March 25, 2008, Defendant JAMES BRIONES ordered her to cancel a Youth Program meeting in order to process thirty-two (32) arrests, where she was not the arresting officer.

73. Plaintiff alleges that there were other patrol officers available but were not assigned to process these arrests instead of her.

74. Plaintiff alleges that on or about April 2, 2008, Defendant JAMES BRIONES illegally tried to impose an arrest quota upon her.

75. Plaintiff alleges that Defendant JAMES BRIONES did not impose any such quota requirement upon the other officers.

76. Plaintiff alleges that on or about April 2, 2008, Defendant JAMES BRIONES ordered her to be in tomorrow morning to complete the Arrest Report.

77. Plaintiff alleges that there was already another officer assigned that task but, Defendant JAMES BRIONES ordered her into work anyway.

78. Plaintiff alleges that on or about April 3, 2008, Defendant JAMES BRIONES told her "The captain is pissed off because the Arrest Reports are not finished!"

79. Plaintiff alleges that on or about April 3, 2008, Defendant JAMES BRIONES reassigned her to a foot post or commonly referred to as a "punishment post."

80. Plaintiff alleges that Caucasian female officers are never assigned to "punishment posts" because the precinct is located in South Jamaica, Queens and is considered "dangerous."

81. Plaintiff alleges that on or about April 8, 2008, upon reporting for duty, she observed that her desk in the Youth Office was covered with garbage, including newspapers, used napkins, candy wrappers and other discarded articles.

82. Plaintiff alleges that on or about May 6, 2008, Defendant JAMES BRIONES reassigned her to Sergeant's Operator.

83. Plaintiff alleges that Defendant JAMES BRIONES relentlessly verbally accosted her with inappropriate comments such as "you look good today," "your lips look luscious," "your lips look kissable," and "lips and teeth are what attract me to a woman."

84. Plaintiff alleges that Defendant JAMES BRIONES repeatedly tried to persuade her to discuss her sexual preferences.

85. Plaintiff alleges that on numerous occasions beginning from in or around September 2007 through May 2008, Defendant JAMES BRIONES repeatedly demanded her to provide a video copy of the Annual Queens South Community Affairs Talent Show.

86. Plaintiff alleges that Defendant JAMES BRIONES wanted to view her experiencing a wardrobe malfunction so that he could see her in her underwear for his own sexual gratification.

87. Plaintiff declined to provide a video copy to him.

88. Plaintiff alleges that on or about May 14, 2008, she observed Defendant JAMES BRIONES holding a DVD in his hand inside of the 103rd Precinct.

89. Plaintiff alleges that Defendant JAMES BRIONES subordinates were standing with him.

90. Plaintiff alleges that Defendant JAMES BRIONES yelled to other male officers "we gotta watch this DVD."

91. Plaintiff then observed Defendant JAMES BRIONES placed the DVD into his personal laptop computer other male officers gathered around.

92. Plaintiff alleges that the DVD contained footage of the wardrobe malfunction that she experienced.

93. Plaintiff alleges that Defendant JAMES BRIONES depressed the pause button, at the point where the DVD depicts her experiencing a wardrobe malfunction.

94. Plaintiff alleges that she attempted to shut off the DVD but Defendant CHRISTOPHER LOPEZ physically stopped her from doing so.

95. Plaintiff alleges that Defendants' JAMES BRIONES and CHRISTOPHER LOPEZ laughed.

96. Plaintiff alleges that Defendant JAMES BRIONES called out to other male officers "yo, you gotta see this" and "come check this out!"

97. Plaintiff alleges that she began to cry and immediately ran away to escape further degradation, embarrassment and humiliation.

98. Plaintiff alleges that Defendant JAMES BRIONES followed her into the Youth Office and said "Why are you so upset? You have a nice ass. You know you have a nice ass. You know boys will be boys. It's no big deal."

99. Plaintiff alleges that while visibly upset Defendant JAMES BRIONES further stated "Don't be upset, you have a nice ass and you are very sexy."

100. Plaintiff alleges that Defendant CHRISTOPHER LOPEZ inconsistent with Department policy failed to notify the Office of Equal Employment Opportunity and the Internal Affairs Bureau about Defendant JAMES BRIONES'S conduct.

101. Plaintiff alleges that on or about May 15, 2008, Defendant JAMES BRIONES assigned her to another foot post aka "punishment post" near the Truancy Center, Jamaica High School.

102. Plaintiff alleges that on or about May 28, 2008, Defendant JAMES BRIONES refused her access to utilize a Department van to transport youths in the program.

103. Plaintiff alleges that in and around May, 2008, Defendant JAMES BRIONES while seated as the Desk Officer, was observed by her holding a Maxim Magazine with a picture of a female wearing a black thong.

104. Plaintiff alleges that Defendant JAMES BRIONES pointed towards the magazine and said to her "Does this look familiar? (referring to the picture of the female wearing the black thong in the magazine)"

105. Plaintiff alleges that Defendant JAMES BRIONES said "I'll be in the talent show this year, but only if I can dance with you. I want to rub up on it too."

106. Plaintiff alleges that on or about June 3, 2008, while attending an awards ceremony at One Police Plaza, Defendant JAMES BRIONES ordered her to return to the command with the Department van causing her to leave the ceremony without supporting one of her youth participants.

107. Plaintiff alleges that on or about June 5, 2008, Defendant JAMES BRIONES refused to let her use the Department van for a youth volleyball game.

108. Plaintiff alleges that on or about June 10, 2008, Defendant JAMES BRIONES

falsely accused members of the Youth Program of breaking a massage pad that he had installed on his chair in the Youth Office.

109. Plaintiff alleges that on or about June 16, 2008, she noticed that posters for the movie "Ratatouille" placed on the walls by her and members of the youth program were defaced with scrawling's of penises, and cartoon characters such as "Bert" from Sesame Street shaped as a penis with testicles.

110. Plaintiff alleges that on or about June 18, 2008, Defendant JAMES BRIONES raised her on the police radio to find out her location, when he met with her, he ordered her to return the RMP that she was riding in to the precinct and deliver the keys to Lieutenant Carlo.

111. Plaintiff alleges that when she arrived at the precinct, Lieutenant Carlo was not there.

112. Plaintiff alleges that she believes that Defendant JAMES BRIONES sent her on a wild goose chase.

113. Plaintiff alleges that on or about July 24, 2008, Lieutenant Conrad Seegers denied her request to use the Department van to transport thirty (30) youths to a museum field trip.

114. Plaintiff alleges that on or about August 12, 2008, Sergeant Loida Lamondola denied her request to use the Department van to transport approximately thirty (30) youths for a youth program field trip.

115. Plaintiff alleges that on or about August 19, 2008, Defendant JAMES BRIONES denied her the use of the Department van for a youth program field trip.

116. Plaintiff alleges that on or about August 20, 2008, Defendant JAMES BRIONES canceled a youth program summer camp event, causing the youths to forfeit a softball game scheduled for that evening.

117. Plaintiff alleges that on or about August 21, 2008, she and Police Officer Yves Mandat were ordered by Defendant JAMES BRIONES to immediately return the Department van to the precinct, stranding youths at a local bakery until auxiliary police officers were able to assist with transporting them back to the precinct.

118. Plaintiff alleges that on or about August 26, 2008, Defendant JAMES BRIONES delayed allowing her to use the Department van which caused the youths to arrive two (2) hours late to the softball game.

119. Plaintiff alleges that on or about September 9, 2008, Defendant JAMES BRIONES intentionally reassigned her to an election post to interfere with her youth program responsibilities.

120. Plaintiff alleges that on or about September 23, 2008, Defendant JAMES BRIONES refused to provide her with a police vehicle to make a court appearance.

121. Plaintiff alleges that on or about September 30, 2008, Defendant JAMES BRIONES told her that Defendant MICHAEL BLAKE was not happy with her job performance; therefore, Defendant JAMES BRIONES started interviewing for her replacement.

122. Plaintiff alleges that in or around October 2008, Defendant JAMES BRIONES approached her, placed his hand on her shoulder and said "I could make this all go away."

123. Plaintiff alleges that she informed Defendants' MICHAEL BLAKE and ARMANDO DELEON about Defendant JAMES BRIONES'S conduct but, inconsistent with Department policy they failed to notify the Office of Equal Employment Opportunity and the Internal Affairs Bureau.

124. Plaintiff alleges that on or about October 2, 2008, Defendant JAMES BRIONES assigned her to a hospital post aka "punishment post."

125. Plaintiff alleges that on or about October 3, 2008, Defendant JAMES BRIONES assigned to a foot post aka "punishment post" at a local public school.

126. Plaintiff alleges that on or about October 7, 2008, Defendant JAMES BRIONES told her that Defendant MCIHAEL BLAKE said that there are too many youth program events, therefore, the program would have to be downsized.

127. Plaintiff alleges that on or about October 7, 2008, Defendant JAMES BRIONES held a "meeting" with Lieutenant Keith King along with Police Officers Dion Dixon and Christine Carinella in which he told them not to trust her.

128. Plaintiff alleges that Defendant JAMES BRIONES told them that he would have her removed from the School Unit.

129. Plaintiff alleges that Defendant JAMES BRIONES assured Officers Dixon and Carinella "you are my girls and you're not going anywhere."

130. Plaintiff alleges that on or about October 7, 2008, Defendant JAMES BRIONES threatened to share the contents of her activity log with Officers Dixon and Carinella.

131. Plaintiff alleges that throughout her assignment with the School Unit, Defendant JAMES BRIONES frequently addressed her in a demeaning and derogatory manner in front of Officers Dixon and Carinella.

132. Plaintiff alleges that on or about October 8, 2008, Defendant JAMES BRIONES intentionally assigned her to a foot post aka "punishment post" causing her to cancel youth program events.

133. Plaintiff alleges that on or about October 8, 2008, Defendant JAMES BRIONES improperly dismissed two (2) minor children of the Youth Program without the proper oversight.

134. Plaintiff alleges that on or about October 9, 2008, Defendant JAMES BRIONES

informed her that Defendant MICHAEL BLAKE was upset about the cancellation of the previous night's events. She reminded Defendant JAMES BRIONES that the events were cancelled by him.

135. Plaintiff alleges that on or about October 14, 2008, Defendant JAMES BRIONES improperly dismissed another minor child of the Youth Program without the proper oversight.

136. Plaintiff alleges that on or about October 15, 2008, Defendant JAMES BRIONES intentionally used the Department van so that she would not be able to transport the youths to a softball game.

137. Plaintiff alleges that on or about October 16, 2008, she filed a complaint of employment discrimination against Defendant JAMES BRIONES with the NYPD Office of Equal Employment Opportunity.

138. Plaintiff alleges that on or about October 30, 2008, while bent over in front of a file cabinet in the Youth Office, Defendant JAMES BRIONES walked up behind her and rubbed his penis against her buttocks for his sexual gratification.

139. Plaintiff alleges that Defendant JAMES BRIONES then told her "I'm not trying to turn everyone against you but if you're willing to work with me then I'm willing to work with you. I hate to see the Unit divided like this. No one likes you. I'm the only friend you've got. Remember that."

140. Plaintiff alleges that on or about November 5, 2008, Defendant JAMES BRIONES while in the presence of other officers began watching a DVD video of the 2008 Annual Queens South Community Affairs Talent Show commented "I like your act. You girls are very sexy. Next year I'm going to be in it. I'll dance with you."

141. Plaintiff alleges that on or about November 6, 2008, Defendant JAMES

BRIONES assigned her to a hospital post aka "punishment post."

142. Plaintiff alleges that on or about November 11, 2008, Defendant JAMES BRIONES ordered her and youths to clean up the office, when the office was messy due to use by other members of the School Unit.

143. Plaintiff alleges that on or about November 27, 2008, Sergeant Christopher Schlanger intentionally reassigned her to the 124 Room so that she could not take members of the Youth Program to feed the homeless on Thanksgiving.

144. Plaintiff alleges that on or about December 4 2008, Defendant JAMES BRIONES ordered her to move a locker from the basement to the fourth floor because Officer Dixon complained that she had an extra locker, when in fact the extra locker was being used to store clothing for the Youth Program and such use had been approved by Defendant MICHAEL BLAKE.

145. Plaintiff alleges that on or about December 6, 2008, Defendant JAMES BRIONES ordered her to return with the Department van causing her to shorten the Tree Lighting event with the youths.

146. Plaintiff alleges that on or about December 30, 2008, Officer Dixon threatened to throw the Youth Program files on the floor.

147. Plaintiff alleges that on or about December 31, 2008, JAMES BRIONES ordered Officers Dixon and Carinella to move the Youth program files they were thrown unorganized into a file drawer.

148. Plaintiff alleges that she informed Defendants' MICHAEL BLAKE and ARMANDO DELEON about Defendant JAMES BRIONES'S conduct but, inconsistent with Department policy they failed to notify the Office of Equal Employment Opportunity and the

Internal Affairs Bureau.

149. Plaintiff alleges that on or about January 1, 2009, Defendant JAMES BRIONES assigned her to a hospital post aka "punishment post."

150. Plaintiff alleges that on or about January 9, 2009, Defendant JAMES BRIONES ordered her to provide all financial documents relating to the Youth Program.

151. Plaintiff alleges that Defendant JAMES BRIONES told her that if she does not cooperate she will be fired.

152. Plaintiff alleges that on or about January 9, 2009, he told her that "You're not a team player. It's important that I get to know you. I want you to call a meeting with the School Unit to clear the air. They are upset with you for not eating any of Lopez's birthday cake (referring to Defendant CHRISTOPHER LOPEZ). There's only so much I can do. You need to do your part now. Don't you think it's important that we get to know you? I don't know how you interact outside of work. You need to be a team player. It's a new year now. Don't you want the New Year to be better for us and everyone concerned? If you want to play the game, I'll teach you how to play the game."

153. Plaintiff alleges that on or about January 10, 2009, Defendant JAMES BRIONES canceled a youth internship that she authorized.

154. Plaintiff alleges that on or about January 22, 2009, Defendant JAMES BRIONES informed her that she was no longer authorized to schedule guest speakers for the Youth Program.

155. Plaintiff alleges that on or about February 26, 2009, Defendant JAMES BRIONES told her "If I wasn't hobbling on a cane I'd take you out, for your birthday."

156. Plaintiff alleges that on or about March 4, 2009, Defendant JAMES BRIONES

ordered her to correct arrest reports prepared by Officer Carinella.

157. Plaintiff alleges that on or about March 4, 2009, Defendant JAMES BRIONES canceled a scheduled meeting with a representative of the Federal Aviation Administration where she was to accept a donation of a sixty-inch television to the Youth Program.

158. Plaintiff alleges that on or about March 5, 2009, Defendant JAMES BRIONES assigned her to a foot post aka "punishment post" at the Truancy Center, Jamaica High School.

159. Plaintiff alleges that on or about March 11, 2009, Defendant JAMES BRIONES told her that she would no longer receive night differential for working with the Youth Program.

160. Plaintiff alleges that on or about March 11, 2009, Lieutenant Christopher Garcia upheld Defendant JAMES BRIONES'S decision to deny her night differential for working with the Youth Program.

161. Plaintiff alleges that on or about March 18, 2009, Defendant JAMES BRIONES told her "You're not being team player. Nobody wants to work with you."

162. Plaintiff alleges that on or about March 19, 2009, Defendant JAMES BRIONES saw her in a hallway and stated "It's just me and you."

163. Plaintiff alleges that as she opened the door to an office, Defendant JAMES BRIONES grabbed her shoulders from behind and rubbed his penis on her buttocks.

164. Plaintiff alleges that in or around Late March 2009, Defendant JAMES BRIONES told her that "I want to see your workout body because you've got it going on. I'm going to make it mandatory for my elite school squad to work out, but you don't have to lift weights, you can put on your little workout outfit and I can watch those Titties bounce."

165. Plaintiff alleges that Defendant JAMES BRIONES then laughed, took off his uniform shirt, stripped down to his undershirt and said "Go ahead and feel it, I bet you never felt guns like this before (referring to his arms)."

166. Plaintiff alleges that she declined to touch him in any manner.

167. Plaintiff alleges that in or around Early April 2009, Defendant JAMES BRIONES told her "I could make things easier for you if you are willing to cooperate."

168. Plaintiff alleges that on or about April 1, 2009, Defendant JAMES BRIONES told her "I gotta give it to you, you're very strong. Most people would have given up a long time ago. I know you like what you're doing but don't you have to think to yourself that you spend a lot of time with these kids? Don't you feel like you're neglecting time with your own family? I couldn't come in on my own time all the time. It's gotta be overwhelming for you. I'll try and get the other guys to help you out because I don't want you taking on so much."

169. Plaintiff alleges that on or about April 3, 2009, Defendant JAMES BRIONES assigned her to a foot post aka "punishment post" for complaining to Defendant MICHAEL BLAKE about his conduct in the School Unit.

170. Plaintiff alleges that on or about April 8, 2009, Defendant JAMES BRIONES denied her the use of the Department van to transport youths to the Empire State Building.

171. Plaintiff alleges that on or about April 9, 2009 through the 10th Defendant JAMES BRIONES texted her numerous times while she was off, reassigning her from a week long camp with the youths at the Federal Aviation Administration to a foot post aka "punishment post."

172. Plaintiff alleges that sometime in Late April 2009, while she was standing in front of her desk, Defendant JAMES BRIONES brushed against her buttocks with his penis.

173. Plaintiff alleges that on or about April 21, 2009, Defendant JAMES BRIONES

ordered her to search a female prisoner when there were other female officers available.

174. Plaintiff alleges that on or about April 29, 2009, Lieutenant Christopher Garcia told her that effective immediately, she was being sent back to patrol.

175. Plaintiff alleges that on or about April 30, 2009, she was reassigned to patrol.

176. Plaintiff alleges that on or about May 1, 2009, Officer Dixon accused a youth of trying to trip her.

177. Plaintiff alleges that she escorted the youth out of the office to defuse the conflict.

178. Plaintiff alleges that Lieutenant King told her to clear out her personal belongings and she is no longer allowed in the office.

179. Plaintiff alleges that Defendant JAMES BRIONES celebrated her removal from the School Unit with other members of the unit.

180. Plaintiff alleges that on or about May 11, 2009, during rehearsal for the 2009 Queens South Community Affairs Talent Show, Defendant JAMES BRIONES brushed his penis against her buttocks explaining "Excuse me, I'm just trying-to get to the other side."

181. Plaintiff alleges that shortly thereafter, while present in Defendant MICHAEL BLAKE'S office with Defendant ARMANDO DELEON, Defendant MICHAEL BLAKE asked her "Do I get to see some soft porn?"

182. Plaintiff alleges that on or about May 29, 2009, the NYPD Office of Equal Employment Opportunity informed her that "no case of employment discrimination could be discerned under Title VII of the Civil Rights Act of 1964, or applicable state or local laws."

183. Plaintiff alleges that since her assignment to patrol, she has been repeatedly assigned to tasks normally performed by less senior police officers.

184. Plaintiff alleges that from April 2007 to this date, she has been subjected to

hostilities and retribution because she declined Defendants' MICHAEL BLAKE and JAMES BRIONES'S sexual advances.

185. Plaintiff alleges that from April 2007 to this date, she has been subjected to hostilities and retribution because she reported Defendant JAMES BRIONES'S conduct to the NYPD Office of Equal Employment Opportunity.

186. Plaintiff alleges that from April 2007 to this date, she has experienced unwarranted discipline, vehicle vandalism and other reprehensible conduct.

VIOLATIONS AND CLAIMS ALLEGED

COUNT I
SEXUAL HARASSMENT
IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

187. Plaintiff re-alleges Paragraphs 1 through 186 and incorporates them by reference as Paragraphs 1 through 186 of Count I of this Second Amended Complaint.

188. Plaintiff alleges that Defendant CITY through its agents engaged in a pattern and practice of discrimination against her with respect to the terms, conditions and privileges of employment because of her gender.

189. Plaintiff alleges that as part of its pattern and practice of employment discrimination, Defendant' CITY through its agents treated her in a manner indicative of gender discrimination, with respect to its investigation, analysis, and subsequent cover-up, of their discriminatory behavior.

190. Plaintiff alleges that Defendant CITY knew or should have known about gender discrimination in the workplace because of their prior history of discriminatory conduct against her and other similarly situated individuals.

191. Plaintiff alleges that Defendant CITY failed and refused to take appropriate action

to end the discriminatory treatment and conditions which she was subjected to, which was clearly motivated by gender discrimination.

192. Plaintiff alleges that as a result of the discriminatory acts of Defendant CITY through its agents, she suffered depression and anxiety.

193. Plaintiff alleges that Defendant City acted in an outrageous and systematic pattern of oppression, bad faith and cover-up, directed at her and continued from in or around April 2007, until this day.

194. Plaintiff alleges that as a result of the acts of Defendant CITY through its agents under color of law, Plaintiff suffered emotional distress, humiliation and embarrassment, medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT II
RETALIATION
IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

195. Plaintiff re-alleges Paragraphs 1 through 194 and incorporates them by reference as Paragraphs 1 through 194 of Count II of this Second Amended Complaint.

196. Plaintiff alleges that Defendant CITY through its agents engaged in various retaliatory actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with the OEEO and the EEOC.

197. Plaintiff alleges that as a result of the illegal acts of Defendant CITY through its agents, she suffered depression, anxiety and loss of job opportunities.

COUNT III
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

198. Plaintiff re-alleges Paragraphs 1 through 197 and incorporates them by reference as Paragraphs 1 through 197 of Count III of this Second Amended Complaint.

199. Plaintiff alleges that Defendant CITY through its agents engaged in various severe and hostile actions towards her as a result of her opposition to gender discrimination and as a result of her filing such complaints with the OEEO and the EEOC.

200. Plaintiff alleges that as a result of the severe and hostile acts of the Defendant CITY through its agents, she suffered depression, anxiety and loss of job opportunities.

COUNT IV
RACE DISCRIMINATION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981

201. Plaintiff re-alleges Paragraphs 1 through 200 and incorporates them by reference as Paragraphs 1 through 200 of Count IV of this Second Amended Complaint.

202. Plaintiff alleges that by the aforesaid discriminatory acts and omissions of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as public officials of Defendant CITY interfered with her right to enforce contracts under the color of state law because of her race.

203. Plaintiff alleges that the purpose of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in so acting was to prevent her, through economic and psychological intimidation, from seeking the equal protection of the laws.

204. Plaintiff alleges that pursuant to their conduct, Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted to deprive her of her civil rights, by repeated and insidious acts of harassment, intimidation, bad

faith and threats.

205. Plaintiff alleges that as a result of the aforesaid acts, depriving her of her civil rights, she suffered mental anguish, emotional distress, and loss of employment opportunities.

COUNT V
RETALIATION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981

206. Plaintiff re-alleges Paragraphs 1 through 205 and incorporates them by reference as Paragraphs 1 through 205 of Count V of this Second Amended Complaint.

207. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ engaged in various retaliatory actions against her acting individually and in their official capacities as public officials of Defendant CITY as a result of her opposition to race discrimination.

208. Plaintiff alleges that the purpose of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in so acting was to prevent her, through economic and psychological intimidation, from seeking the equal protection of the laws.

209. Plaintiff alleges that pursuant to their conduct, Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted to deprive her of her civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

210. Plaintiff alleges that as a result of the aforesaid acts, depriving her of her civil rights, she suffered mental anguish, emotional distress, and loss of employment opportunities.

COUNT VI
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981

211. Plaintiff re-alleges Paragraphs 1 through 210 and incorporates them by reference as Paragraphs 1 through 210 of Count VI of this Second Amended Complaint.

212. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ engaged in various severe and hostile actions against her acting individually and in their official capacities as public officials of Defendant CITY as a result of her opposition to race discrimination.

213. Plaintiff alleges that the purpose of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in so acting was to prevent her, through economic and psychological intimidation, from seeking the equal protection of the laws.

214. Plaintiff alleges that pursuant to their conduct, Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted to deprive her of her civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

215. Plaintiff alleges that as a result of the aforesaid acts, depriving her of her civil rights, she suffered mental anguish, emotional distress, and loss of employment opportunities.

COUNT VII
SEXUAL HARASSMENT
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

216. Plaintiff re-alleges Paragraphs 1 through 215 and incorporates them by reference as Paragraphs 1 through 215 of Count VII of this Second Amended Complaint.

217. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

218. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

219. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

220. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around April 2007, until this day.

221. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the

claims herein.

COUNT VIII
GENDER DISCRIMINATION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

222. Plaintiff re-alleges Paragraphs 1 through 221 and incorporates them by reference as Paragraphs 1 through 221 of Count VIII of this Second Amended Complaint.

223. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

224. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

225. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

226. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and

continuing from in or around April 2007, until this day.

227. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT IX
RACE DISCRIMINATION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

228. Plaintiff re-alleges Paragraphs 1 through 227 and incorporates them by reference as Paragraphs 1 through 227 of Count IX of this Second Amended Complaint.

229. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

230. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

231. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO

DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

232. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around April 2007, until this day.

233. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT X
RETALIATION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

234. Plaintiff re-alleges Paragraphs 1 through 233 and incorporates them by reference as Paragraphs 1 through 233 of Count X of this Second Amended Complaint.

235. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

236. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been

fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

237. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

238. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around April 2007, until this day.

239. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT XI
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

240. Plaintiff re-alleges Paragraphs 1 through 239 and incorporates them by reference as Paragraphs 1 through 239 of Count XI of this Second Amended Complaint.

241. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her

government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

242. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

243. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

244. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around April 2007, until this day.

245. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT XII
ABUSE OF AUTHORITY
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983

246. Plaintiff re-alleges Paragraphs 1 through 245 and incorporates them by reference as Paragraphs 1 through 245 of Count XII of this Second Amended Complaint.

247. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

248. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

249. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

250. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around April 2007, until this day.

251. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ under color

of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

COUNT XIII
SEXUAL HARASSMENT
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296

252. Plaintiff re-alleges Paragraphs 1 through 251 and incorporates them by reference as Paragraphs 1 through 251 of Count XIII of this Second Amended Complaint.

253. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

254. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ discriminated against her because of her gender.

255. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender discrimination and great humiliation.

256. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XIV
GENDER DISCRIMINATION
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296

257. Plaintiff re-alleges Paragraphs 1 through 256 and incorporates them by reference as Paragraphs 1 through 256 of Count XIV of this Second Amended Complaint.

258. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

259. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ discriminated against her because of her gender.

260. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender discrimination and great humiliation.

261. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XV
RACE DISCRIMINATION
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296

262. Plaintiff re-alleges Paragraphs 1 through 261 and incorporates them by reference as Paragraphs 1 through 261 of Count XV of this Second Amended Complaint.

263. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their race.

264. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO

DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ discriminated against her because of her race.

265. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of race discrimination and great humiliation.

266. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XVI
RETALIATION
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296

267. Plaintiff re-alleges Paragraphs 1 through 266 and incorporates them by reference as Paragraphs 1 through 266 of Count XVI of this Second Amended Complaint.

268. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

269. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

270. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ engaged in various retaliatory actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with OEEO and the EEOC.

271. Plaintiff alleges that as a direct and proximate result of the unlawful employment

practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender and race discrimination and great humiliation.

272. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XVII
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296

273. Plaintiff re-alleges Paragraphs 1 through 272 and incorporates them by reference as Paragraphs 1 through 272 of Count XVII of this Second Amended Complaint.

274. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

275. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where gender and/or race discrimination and/or retaliation are encouraged and/or tolerated.

276. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ engaged in various hostile actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with OEEO and the EEOC.

277. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender and race discrimination and great humiliation.

278. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XVIII
SEXUAL HARASSMENT
IN VIOLATION OF
NEW YORK CITY ADMINSTRATIVE CODE § 8-107

279. Plaintiff re-alleges Paragraphs 1 through 278 and incorporates them by reference as Paragraphs 1 through 278 of Count XVIII of this Second Amended Complaint.

280. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

281. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ discriminated against her because of her gender.

282. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender discrimination and great humiliation.

283. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XIX
GENDER DISCRIMINATION
IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107

284. Plaintiff re-alleges Paragraphs 1 through 283 and incorporates them by reference as Paragraphs 1 through 283 of Count XIX of this Second Amended Complaint.

285. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

286. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ discriminated against her because of her gender.

287. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender discrimination and great humiliation.

288. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XX
RACE DISCRIMINATION
IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107

289. Plaintiff re-alleges Paragraphs 1 through 288 and incorporates them by reference as Paragraphs 1 through 288 of Count XX of this Second Amended Complaint.

290. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their race.

291. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO

DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ discriminated against her because of her race.

292. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of race discrimination and great humiliation.

293. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XXI
RETALIATION
IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107

294. Plaintiff re-alleges Paragraphs 1 through 293 and incorporates them by reference as Paragraphs 1 through 293 of Count XXI of this Second Amended Complaint.

295. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their race and/or gender.

296. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

297. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ engaged in various retaliatory actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with OEEO and the EEOC.

298. Plaintiff alleges that as a direct and proximate result of the unlawful employment

practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender and race discrimination and great humiliation.

299. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ Z'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

COUNT XXII
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107

300. Plaintiff re-alleges Paragraphs 1 through 299 and incorporates them by reference as Paragraphs 1 through 299 of Count XXII of this Second Amended Complaint.

301. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

302. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where gender and/or race discrimination and/or retaliation are encouraged and/or tolerated.

303. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ engaged in various hostile actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with OEEO and the EEOC.

304. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ, she suffered the indignity of gender and race discrimination and great humiliation.

305. Plaintiff alleges that Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

JURY TRIAL

306. Plaintiff demands a trial by jury of all issues in this action that are so triable.

PRAYER FOR RELIEF

Wherefore, Plaintiff demands compensatory and punitive damages from Defendants' CITY; MICHAEL BLAKE; ARMANDO DELEON; JAMES BRIONES; and CHRISTOPHER LOPEZ jointly and severally, in an amount to be determined at trial, plus any and all available statutory remedies, both legal and equitable, and interests and costs.

Dated: March 25, 2011
New York, NY

Respectfully submitted,

By: ______________________
Eric Sanders (ES0224)

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